

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FR8 SINGAPORE PTE LTD.,

Plaintiff,

-against-

SWIFT AVIATION GROUP INC.,

Defendant.

-----X
STATE OF NEW YORK :
: SS.:
COUNTY OF NEW YORK :

1:08-cv- 5648(VM).

AFFIDAVIT IN
SUPPORT OF PRAYER
FOR ATTACHMENT
AND GARNISHMENT

GARTH S. WOLFSON, being duly sworn, deposes and says:

1. I am a member of the bar of this Honorable Court and a partner with the firm of MAHONEY & KEANE, LLP, attorneys for Plaintiff herein. I am familiar with the circumstances of the Complaint filed in this action and the underlying cause of action.

2. I make this Affidavit in support of Plaintiff, FR8 SINGAPORE PTE LTD's ("FR8" or "Plaintiff") prayer for the issuance of a Writ of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure [hereinafter "Rule B"].

3. I have made an investigation and am informed and believe based upon the results of this investigation, that SWIFT AVIATION GROUP INC. ("Defendant") is a foreign corporation or other foreign business entity which cannot be "found" within the district for the purposes of an attachment under Rule B.

4. In support of this position, deponent has conducted the following investigation:

5. I have contacted the office of the Secretary of State, Division of Corporations on June 20 and 23, 2008, through its information data base and there were no current listings for Defendant.

6. I have reviewed the current telephone directories, for the areas over which this District, the United States District Court for the Southern District of New York, has jurisdiction, specifically New York (Manhattan) Borough, Bronx Borough, Dutchess, Westchester, Rockland, Sullivan, Orange, and Putnam Counties:

(a) No listings for Defendant were found;

(b) Deponent is unaware of any general or managing agent within the Southern District of New York for Defendant;

(c) No papers held by Plaintiff, and reviewed by this deponent indicate any presence of Defendant in or around the District;

(d) A search of the internet, or worldwide web, using search engines Google and Yahoo failed to demonstrate any presence of Defendant in or about the District.

7. Based upon the foregoing, your deponent submits that Defendant cannot be "found" within this district for the purpose of an attachment or garnishment under Rule B.

8. I submit that Defendant cannot be found within this District within the meaning of Rule B including, inter alia, the continuous or systematic conduct of business in this district.


9. Upon information and belief, Defendant has or will have during the pendency of this action, tangible and intangible property within the District in the hands of Bank of America, Bank of New York, Citibank, HSBC Bank USA NA, J.P. Morgan Chase, Standard Chartered Bank, Wachovia Bank N.A., Deutsche Bank AG, ABN AMRO Bank N.V., American Express Bank Ltd., Mellon Bank, UBS, and/or other financial institutions found within the Southern District of New York.

10. The reason Plaintiff is moving for order of attachment rather than regular motion is the urgency of this matter.

11. No application for this or similar relief has been sought in this district.


WHEREFORE, Plaintiff respectfully requests that the Court authorize the issuance of process in the form of a Writ of Maritime Attachment and Garnishment seeking attachment and garnishment of Defendant's tangible and intangible property within this district, including, inter alia, such property in the hands of Bank of America, Bank of New York, Citibank, HSBC Bank USA NA, J.P. Morgan Chase, Standard Chartered Bank, Wachovia Bank N.A., Deutsche Bank AG, ABN AMRO Bank N.V., American Express Bank Ltd., Mellon Bank, UBS and/or other financial institutions found within

the Southern District of New York.



GARTH S. WOLFSON

Sworn to before me this
23rd day of June, 2008



Notary Public

JORGE RODRIGUEZ
NOTARY PUBLIC
State of New York No. 02RO6128023
Qualified in New York County
Term Expires 06/06/2009